

86th Legislative Session – 2011

Committee: Senate Local Government

Wednesday, February 09, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Bradford
P Hunhoff (Jean)
P Lederman
P Nelson (Tom)
P Tieszen
P Holien, Vice-Chair
P Schlekeway, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Todd Schlekeway, Chair.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 7, 2011

Moved by: Lederman
Second by: Nelson (Tom)
Action: Prevailed by voice vote.

SB 59: revise certain provisions clarifying that counties are not responsible for constructing, repairing, and maintaining roads contained in improvement districts.

Presented by: Senator Dan Lederman
Proponents: Jeff Dooley, Self, Dakota Dunes

MOTION: DO PASS SB 59

Moved by: Hunhoff (Jean)
Second by: Lederman
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Hunhoff (Jean), Lederman, Nelson (Tom), Tieszen, Holien, Schlekeway

MOTION: PLACE SB 59 ON CONSENT CALENDAR

Moved by: Nelson (Tom)

Second by: Holien

Action: Prevailed by voice vote.

SB 83: revise certain requirements relating to the publication of municipal ordinances and resolutions.

Presented by: Senator Larry Tidemann

Proponents: Yvonne Taylor, SD Municipal League

Bob Wilcox, SD Association of County Commissioners

Opponents: David Bordewyk, SD Newspaper Association

MOTION: AMEND SB 83

83tb

On page 2, line 3, of the printed bill, after "exists" insert ". If a county or municipal website does not exist, notices of ordinances and resolutions shall be published".

Moved by: Lederman

Second by: Hunhoff (Jean)

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND SB 83

83ta

On page 2, line 3, of the printed bill, after "exists" Insert ". If a municipal website capable of posting ordinances online in accordance with state law does not exist, the full text of the ordinance shall be published".

On page 2, line 10, after "exists." Insert "If a municipal website capable of posting resolutions online in accordance with state law does not exist, the full text of the resolution shall be published.".

On page 2, line 15, after "ordinance" insert ". If a county website capable of posting ordinances online in accordance with state law does not exist, the full text of the ordinance shall be published".

On page 3, line 1, after "board." insert "If a county website capable of posting resolutions online in accordance with state law does not exist, the full text of the resolution shall be published.".

Moved by: Hunhoff (Jean)
Second by: Lederman
Action: Prevailed by voice vote.

MOTION: DEFER SB 83 TO THE 41ST LEGISLATIVE DAY

Moved by: Nelson (Tom)
Second by: Tieszen
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS SB 83 AS AMENDED

Moved by: Lederman
Second by: Hunhoff (Jean)
Action: Failed by roll call vote. (4-3-0-0)

Voting Yes: Bradford, Hunhoff (Jean), Lederman, Schlekeway

Voting No: Nelson (Tom), Tieszen, Holien

THE MOTION TO DEFER SB 83 TO THE 41ST LEGISLATIVE DAY

Moved by: Nelson (Tom)
Second by: Tieszen
Action: PREVAILED BY ROLL CALL VOTE. (6-1-0-0)

Voting Yes: Bradford, Hunhoff (Jean), Lederman, Nelson (Tom), Tieszen, Holien

Voting No: Schlekeway

SB 96: revise the fee schedule for certain documents filed with the county register of deeds.

Presented by: Senator Ryan Maher
Proponents: Carrie Gonsor, SD Assn of County Officials
Greg Wick, SD Land Title Assn.
Julie Risty, SD Assn of County Officials
Chuck Schroyer, SD Land Title Association

Jerry Peterson, Gregory Cty Register of Deeds
Bob Wilcox, SD Association of County Commissioners

MOTION: AMEND SB 96

96fb

On page 1 of the printed bill, delete lines 9 to 14, inclusive, and insert "~~considered as an additional page. If a~~ twenty-five dollars. For recording mortgages, the sum of sixty dollars. If a real estate document recorded with the register of deeds exceeds one hundred pages, the sum of two dollars for each page or fraction thereof exceeding one hundred pages. A real estate document recorded with the register of deeds does not shall conform to § 43-28-23, the sum of ten dollars shall be charged in addition to the fees specified in this subdivision. If the real estate document is not legible, the register of deeds may not record the document;".

On page 4, after line 9, insert:

" Section 7. That § 43-20-10 be amended to read as follows:

43-20-10. The register of deeds of the county in which the corner is located shall charge a recording fee ~~as set forth in subdivision 7-9-15(1) for the first page and two dollars for each additional page indexed~~ of ten dollars.

Section 8. That § 43-28-23 be amended to read as follows:

43-28-23. Any real estate document recorded with the register of deeds, except for plats, shall:

- (1) Consist of one or more individual sheets measuring no larger than 8.5 inches by 14 inches and no smaller than 8.5 inches by 11 inches. No sheet may be attached or affixed to a page that covers up any information or printed material on the document. ~~Any continuous document or any document sheets that are stapled, glued, or bound together are subject to the additional fee established pursuant to subdivision 7-9-15(1);~~
- (2) Be printed, typewritten, or computer generated in black ink and the print type of the document may not be smaller than 10-point type. However, dates, notarial acknowledgments, signatures, and other items may be completed in black or blue ink if the document is predominantly completed in black ink and if the items that are completed in blue ink are sufficiently dark to meet the requirements of subdivision (6);
- (3) Be on white paper of not less than twenty pound weight;

- (4) Contain a blank space at the top measuring no less than three inches as measured from the top of the first page. The right half shall be used by the register of deeds for recording information and the left half shall be used by the document preparer as required pursuant to § 7-9-1 and may include other document information. All other margins shall be a minimum of one inch;
- (5) Have a title prominently displayed at the top of the first page below the blank space referred to in subdivision (4) of this section; and
- (6) Be sufficiently legible to reproduce a readable copy using the register of deed's current method of reproduction; ~~and~~
- ~~— (7) Conform to the standards provided in this section or be subject to the increased fees as provided in § 7-9-15.~~

~~However, the register of deeds may not charge an increased fee for any document that has any portion of a notary or corporate seal or stamp, a page number, an initial, or a partial signature in a margin. Any affidavit of publication, corner record, survey, certified court or governmental document, and UCC form recorded against real estate is exempt from the provisions of this section. Any plat or survey and certified vital record attached to documents is also exempt from the provisions of this section.~~

The provisions of this section do not apply to any real estate document prepared and executed prior to July 1, 2002."

Moved by: Lederman
Second by: Hunhoff (Jean)
Action: Prevailed by voice vote.

MOTION: AMEND SB 96

96ta

On the previously adopted amendment (96fb), on the second line of the first paragraph, delete "sixty" and insert "twenty-five".

On the previously adopted amendment (96fb), on the third line of the first paragraph, delete "one hundred" and insert "twenty".

On the previously adopted amendment (96fb), on the fourth line of the first paragraph, delete "one hundred" and insert "twenty".

Moved by: Lederman
Second by: Nelson (Tom)
Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Bradford, Lederman, Nelson (Tom), Holien

Voting No: Hunhoff (Jean), Tieszen, Schlekeway

MOTION: DO PASS SB 96 AS AMENDED

Moved by: Lederman
Second by: Nelson (Tom)
Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Bradford, Hunhoff (Jean), Lederman, Nelson (Tom), Holien, Schlekeway

Voting No: Tieszen

SB 155: revise the contents of the notice to the county where hospitalization is furnished to indigent persons.

Presented by: Senator Dan Lederman
Proponents: Jerry Miller, Union County States Attorney,

THE CHAIR DEFERRED SB 155 UNTIL MONDAY, FEBRUARY 14, 2011

THE CHAIR DEFERRED SB 98 UNTIL MONDAY FEBRUARY 14, 2011

THE CHAIR DEFERRED SB 175 UNTIL MONDAY, FEBRUARY 14, 2011

MOTION: ADJOURN

Moved by: Holien
Second by: Lederman
Action: Prevailed by voice vote.

Jeanette Black
Committee Secretary

Todd Schlekeway, Chair